

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LILIA E. PETRENKO-GUNTER,

Plaintiff,

v.

**EVELYN UPCHURCH, Individually
and in her Official Capacity as Director
of the Texas Service Center of the BCIS,
et al.,**

Defendants

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Civil Action No. 3:04-CV-2691-D

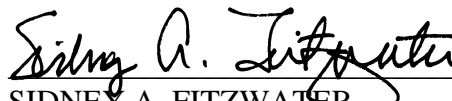
ORDER

After making an independent review of the pleadings, files and records in this case, and the findings, conclusions, and recommendation of the of the United States Magistrate Judge, I am of the opinion that the findings, conclusions, and recommendation of the Magistrate Judge are correct and are adopted as the findings and conclusions of the court.

It is therefore ordered that the findings, conclusions, and recommendation of the United States Magistrate Judge are adopted. Accordingly, defendants' motion to dismiss, filed February 25, 2005, is granted, and the case against defendants in their official capacities is dismissed without prejudice. Plaintiff's motion for partial summary judgment, filed June 13, 2005, is denied.

SO ORDERED.

July 18, 2005.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE